

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index #
Date of filing:

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GERARD NEDA,

Plaintiff designates New York
County as the place of trial

Plaintiff,

Basis of the venue is Plaintiff's
residence

-against-

BOY SCOUTS OF AMERICA,

SUMMONS

Defendant.

Plaintiff resides at
229 East 88th Street, Apt 5W
New York, New York 10128

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County of New York

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Defendant's address:
BOY SCOUTS OF AMERICA
1325 W. Walnut Hill Lane, #S406
Irving, Texas 75038

Plaintiff's attorneys:
RUBENSTEIN & RYNECKI, ESQS.
16 Court Street, Suite 1717
Brooklyn, New York 11241
(718)522-1020

Dated: Brooklyn, New York
September 11, 2019

SUPREME COURT OF STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
GERARD NEDA,

Index No.:

Plaintiff,

-against-

BOY SCOUTS OF AMERICA,

Defendant.
-----X

COMPLAINT

Plaintiff, by his attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the defendant herein, upon information and belief, respectfully show to this Court, and allege as follows:

INTRODUCTION

1. This Complaint is based on the childhood sexual abuse, assault, and molestation of Plaintiff, GERARD NEDA ("Plaintiff" or "Neda"), caused by the negligent, willful, wanton, reckless, and tortious acts of Boys Scout of America and Roy Carina ("Carina").

2. This Action is brought pursuant to the newly enacted Child's Victim Act ("CVA").

3. The CVA allows individual whom a sexual offense(s) was committed against as a child, recourse against those who both committed the sexual offense and/or those who permitted the sexual offense to occur and failed to address it.

4. The Boy Scouts of America ("BSA") is one of the largest youth organizations in the United States, with more than 2.4 million youth participants and nearly one million adult volunteers. The BSA was founded in 1910, and since then, more than 110 million Americans have been participants in BSA programs at some time.

5. Throughout its history, the BSA has held itself out to the public as “moral and safe” environment for boys to participate in healthy outdoor activities and to be given proper guidance and instruction.

6. Despite carrying itself out as a “moral and safe environment”, since the 1940s, the BSA has been surreptitiously removing Scoutmasters for child sexual abuse at a terrifying and shocking rate. BSA records demonstrate that it has long known that scouting attracts pedophiles in large numbers and that scouts are at the heightened risk of sexual abuse by child molesters.

7. Notwithstanding this knowledge and relationship of trust owed to the children Boy Scouts and the parents who enrolled their children in the Boy Scouts, the BSA negligently, recklessly, and willfully failed to protect plaintiff from Carina’s sexual abuse, permitted the abuse to occur, neglected to adequately supervise Carina, failed to timely investigate Carina’s misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Carina’s sexual assault of Plaintiff and his consequential injuries and damage.

8. Due to the defendant’s negligent, reckless, and carelessness, and willful misconduct, Plaintiff Gerard Neda, a minor, suffered grave physical harm, severe mental, emotional, and psychological pain and anguish. Carina’s abuse of Neda not only destroyed Neda’s childhood, but severely damaged Neda for life. Neda’s pain and mental anguish is continuing and permanent.

THE PARTIES

9. The plaintiff, Gerard Neda, is a citizen and resident of New York, New York County.

10. Neda was born in 1952 at all times relevant hereto, plaintiff was a minor and a resident in New York County and was affiliated with the BSA in New York County and in Bronx County, New York.

11. At all times relevant hereto, Defendant, Boy Scouts of America ("BSA"), was and is a corporation with a principle of business of Irving, Texas. BSA is authorized to do business and is doing business in the State of New York, throughout the five boros of New York City, through various local and regional Boy Scout organizations and councils.

12. BSA is a nonprofit organization that operates, promotes, oversees, sets standards, and establishes policies, protocols, and procedures and is authorized to do business and is doing business in the State of New York, and in the five boros of New York City.

13. At all times relevant hereto, Roy Carina was a resident of Bronx County, and a Scoutmaster for the BSA.

14. Defendant BSA, operates, promotes, oversees, guides, sets standards and establishes policies, protocols, rules, regulations, and procedures for youth organizations, nationally through various local, state, and regional organizations..

15. The BSA's goal is to train youth in responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs, and, at older age levels, career-oriented programs in partnership with community organizations. For younger members, the Scout method is part of the program to instill typical Scouting values such as trustworthiness, good citizenship, and outdoors skills, through a variety of activities such as camping, aquatics, and hiking nationally through various local, state, and regional organizations.

16. BSA grants charters to local councils and organizations to operate and conduct

Boy Scout activities within their geographic area.

17. BSA packs and/or troops was at all relevant times, is and was controlled, directed, overseen, and maintained by the BSA.

18. At all times relevant hereto, the BBSA acted by and through their agents, representatives, volunteers, employers, and/or servants.

19. At all times relevant hereto, the BSA operated various programs for young boys, including plaintiff, and authorized, approved, ratified, and selected adults to serve as Scoutmasters.

20. At all times relevant hereto, the BSA were responsible for the hiring, retention, directions, and supervision of adults, including Carina, to serve as Scoutmasters.

21. The BSA, acting by and through their duly authorized agents, representatives, volunteers, employees, and/or servants, operated, directed, maintained, and/or controlled a Boy Scout troop in Bronx County New York..

22. At all times relevant hereto, then minor, plaintiff Gerard Neda, was affiliated with BSA.

23. At all times relevant hereto, Carina was a Scoutmaster for BSA in Bronx County.

24. At all times relevant hereto, Carina was selected, accepted, ratified, approved, and authorized by the BSA to serve in his capacity for the purpose of educating, instructing, and training young boys, including plaintiff, in morality, patriotism, and various life skills.

25. At all times relevant hereto, Carina served and acted as a duly authorized and ratified agent, employee, servant, representative, and/or volunteer of the BSA, and was subject of, the authority, direction, and control of the BSA.

26. Carina, at all relevant times was a Scoutmaster and agent, employee, volunteer,

servant, representative of the BSA and acted within the scope of his employment.

FACTS

27. In the years 1966-1967, and at all times hereinafter mentioned belief, the plaintiff was affiliated with the BSA in Bronx County, New York.

28. At all times relevant hereto, for the purposes of furthering his duties as a Scoutmaster, Carina, sought and gained the then minor Neda trust, friendship, admiration, and obedience.

29. At all times relevant herein, Neda was conditioned to comply with Carina's direction and looked at him as authority/father figure.

30. At all times relevant hereto, using the power, authority and trust of his position as a Scoutmaster and availing himself of the BSA's representations to parents and scouts that the BSA was a moral and safe place for young boys, Carina enticed, induced, directed, coerced and forced Neda to engage in multiple deviant sexual acts with him.

31. At all times relevant hereto, Carina used physical and emotional force to impose his will on then minor Neda, in order to commit multiple grievous acts of sexual abuse upon then minor Neda, all of which constituted flagrant abuse of the power and authority authorized to him by the BSA.

32. At all times relevant hereto, Carina used physical and emotional force to impose his will on then minor Neda, by luring him to a private home with another minor, forcing him to imbibe alcoholic beverages, forcing him to disrobe, become undressed, throwing Neda onto a bed, where Carina proceeded to sexually abuse, molest, perform all sorts of deviant sexual acts including but not limited to fondling of Neda's genitals, oral sex, anal penetration among other unimaginable acts, all of which constituted flagrant abuse of the power and authority authorized

to him by the BSA.

33. During that same period of time, the BSA knew, or should have known, that Carina, routinely had juvenile boys from his packs and elsewhere stay overnight with him, come to his homes, swim together, undress, participate in illegal sexual misconduct between Carina and the juveniles, including fondling, choking, masturbation, oral sex, anal penetration, and be subject to physical and psychological torture.

34. During that same period of time, the BSA knew, or should have known that Carina routinely exposed himself to numerous juveniles at his home and touched, fondled, and performed oral sex and anal penetration upon the minors.

35. During that same period of time, the BSA knew, or should have known, that Carina routinely took juveniles from his pack on camping trips, frequently without any other adult supervision, and those juveniles were forced by his authority role to perform deviant sexual acts, including but not limited to fondling, masturbation, oral sex, and anal penetration and be subject to other physical and psychological torture.

36. As a result of the foregoing, Neda has suffered and/or continues to suffer physical, psychological, and emotional injuries. These injuries include, severe depression, post-traumatic stress disorder, and anxiety, sever emotional distress, guilt, shame, and embarrassment.

37. Prior to and at the time of Carina's abuse of Neda, the BSA knew or should have known of numerous sexual assaults committed by its Scoutmasters, including specific acts committed by Carina.

38. The BSA, including any of their agents, or employees, undertook any background investigation of Carina, before authorizing and approving him to be a Scoutmaster.

39. The BSA, including any of their agents, or employees, undertook any background

investigation of Carina, or instructed anyone at his pack regarding the known and documented risks of pedophiles become Scoutmasters and harming children.

40. The BSA, including any of their agents, or employees, instructed anyone at his pack regarding screening selection, and background checks to prevent the known and documented risk of pedophiles becoming Scoutmaster and harming scouts.

41. Upon Information and belief, not only was the BSA aware of Carina's and other Scoutmaster sexual abuse of children, but it participated in covering up such acts, putting additional children in harm's way.

42. The BSA knew, or should have known pedophiles would be attracted to positions within the Boy Scouts, and had a duty to test, screen, and investigate the background of application for position of Scoutmaster, including Carina.

43. Prior to and at the time of Carina's abuse of Neda, the BSA knew or should have known of Carina's propensity to sexual abuse young boys in his Pack.

44. Prior to hiring Carina, the BSA failed to properly screen and investigate Carina, so as to discover his propensity for sexual misconduct and abuse of children, his lack of qualifications to serve in his capacity as was appointed by the BSA, and the danger he posed to children in in his charge, including Neda.

45. Prior to and at the time of Carina's abuse of Neda, the BSA failed to take steps to protect Neda from abuse by Carina.

46. Upon information and belief, The BSA knew for decades that sexual predators of boys had infiltrated scouting. BSA knew or should have known the dangers that pedophiles presented to boy scouts and either knew or should have known the danger Carina presented to children, including Neda, but instead ignored that danger and permitted him and other pedophiles

in scouting to prey upon young boys, including then minor, Neda.

47. The BSA has maintained a group of files known as ineligible volunteer's files.

48. BSA ineligible volunteer files collected and maintain revealed that scouting is a pedophile magnet, in that removed pedophiles were often able to reenter scouting at different locations.

49. The BSA knew or should have known that scouting attracts pedophiles because it provides the pedophile access to boys alone and away from their parents in secluded settings, provides opportunities for the pedophile.

50. The conduct alleged herein constitutes a sexual offense as defined in the New York Penal Law.

51. The conduct alleged herein was committed against Neda at a time when Neda was less than eighteen years of age.

**AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT AND BATTERY,
SEXUAL MOLESTATION ABUSE OF A MINOR, SEXUAL BATTERY**

52. That at all times hereinafter mentioned, the plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" through "51" herein, as though more fully set forth herein at length.

53. During the years of 1966-1967, in Bronx County and elsewhere, Carina intentionally seduced, sexually touched, molested, performed oral sex, anal penetration and other lewd and lascivious acts upon Neda, who at all times, was a minor, in violation of the New York Penal Code.

54. The seduction, sexual touching, molestations, oral sex, and anal penetration were committed against Neda will and without his consent, and Neda did not comprehend or

understand what Carina was doing or the harm it would cause him.

55. By reason the age of the plaintiff at the time of the molestation and sexual abuses, the plaintiff was unable to perceive the harm posed to him by the defendant and or his conduct or omissions, and could not consent to the sexual and physical conduct by Carina and did not consent.

56. On all times relevant hereto, Neda was affiliated with the BSA, was engaged in Boy Scout related activities and was under the custody, care and control of Carina, who was an agent, employee, volunteer, servant, and representative of BSA and was a Scoutmaster.

57. At all times relevant herein Carina was acting within the course and scope of his employment, appointment, and or agency of the BSA.

58. The BSA is liable for Carina's offensive bodily contact under the doctrine of respondeat superior.

59. As a result of the defendant's wrongful acts, Neda has sustained serious and permanent physical, psychological, and emotional injury, including but not limited to post traumatic stress disorder, severe depression, anxiety and was and will be caused to suffer such injuries indefinitely into the future.

60. As a result of the defendant's wrongful acts, Neda was required to seek medical actions to examine, treat him, and incurred expenses and will require future treatment, the amount which is unknown at this time.

61. The wrongful acts of defendant was willful, malicious, intentional, and were committed with full knowledge that they constituted a crime and that they would cause permanent physical and emotional harm to Neda.

62. The aforementioned wrongful acts were performed knowingly, intentionally and

willfully.

63. The aforementioned wrongful acts were performed negligently and recklessly.

64. By reason of the foregoing, the plaintiff demands judgment against the defendant, in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS**

65. That at all times hereinafter mentioned, the plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" through "64" herein, as though more fully set forth herein at length.

66. The sexual abuse of Neda, when he was a minor was extreme and outrageous, beyond all possible bounds of decency.

67. Carina acted intentionally, maliciously, and recklessly, for the purpose of causing severe emotional and physical distress to Neda.

68. Defendant knew or disregarded the substantial probability that Carina's conduct would cause severe physical, psychological, and emotional distress to Neda.

69. In performing these wrongful acts, Carina abused his position as Scoutmaster and acted wantonly and reckless with complete disregard for the consequences to Neda and others.

70. Because of Carina's sexual abuse, Neda suffered severe physical, psychological, and emotional injury.

71. At the time of Carina's misconduct and sexual abuse, he was acting at the direction of, and with authority invested in him, in a position of power, by defendant, and was otherwise acting the course and scope of his employment by defendant.

72. By reason of the foregoing, defendant is liable for Carina's conduct under the doctrine of respondeat superior.

73. By reason of the foregoing, the plaintiff, demands judgment for intentional infliction of emotional distress against defendant, in a sum exceeding the jurisdictional limits of all the lower courts.

AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE

74. That at all times hereinafter mentioned, the plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" through "73" herein, as though more fully set forth herein at length.

75. That at all relevant times, Carina engaged in activities of harmful nature, and abused his position of trust and authority.

76. Carina utilized his role as a Scoutmaster by violating his duty of care, trust, loyalty toward plaintiff.

77. The wrongful acts and the injuries resulting therefrom were caused by the negligence, carelessness, and recklessness of Carina as a Scoutmaster for the BSA.

78. The wrongful acts and the injuries resulting therefrom were caused by the negligence, careless, and recklessness of the BSA.

79. Such negligence consisted of negligence in failing exercise ordinary care, in causing physical, emotional and psychological harm and distress to the plaintiff; in humiliating the plaintiff; in inappropriately touching the plaintiff, in sexually abusing the plaintiff; in forcing the plaintiff on to Carina's bed; in abusing his position of authority; in luring children, including plaintiff, into his home; in forcing plaintiff to consume alcoholic beverage; in undressing the plaintiff; in touching the plaintiff's genitals; in fondling the plaintiff's genitals; in forcing the

plaintiff to provide oral sex; in masturbating in front of the plaintiff; in forcing the plaintiff to masturbate Carina's genitals; in attempting other various devious sexual acts including anal penetration on the minor plaintiff, in breaching the fiduciary duty; in acting from a position of power and control over the minor plaintiff; in breaching the trust and loyalty to the plaintiff; in cover-up Carina's wrongful acts; in failing to properly screen Carina; in allowing pedophiles to be around young children; in failing to investigate the previous activities of Carina; in failing to investigate the background, character and fitness of Carina to serve as a scoutmaster, in failing to adequately investigate and/or inquire into Carina's background or history; in failing to adequately investigate Carina's prior relationships with minor children; in failing to subject Carina to appropriate testing to uncover his pedophilic proclivities; in failing to have in place or systems policies, and procedure to monitor, and supervise Scoutmaster who work closely with or come into contact with children; in allowing Carina to have children meet him at his home with no other adults present; in allowing Carina to travel with children with no other adults present; in failing to take prompt action to remove Carina, and complaints and suspicions of sexual molestation; in failing to adopt or enforce a two-adult rule; in failing to adopt policies and procedures to protect children; in failing to advise parents of information in the Ineligible volunteers files; in failing to adequately maintain, review, and update the ineligible volunteer files; in failing to warn parents of information regarding scoutmaster and their propensity to engage in inappropriate behavior.

80. That the BSA was negligent by failing to supervise the conduct and activities of Carina.

81. That Carina, was negligent, reckless and careless in sexually abusing the plaintiff and the BSA is liable for Carina's negligence under the doctrine of respondeat superior.

82. Upon Information and belief, the BSA engaged in a plan of action to cover up incidents of the sexual abuse of minors by Scoutmasters and prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its Scoutmasters and leaders had cause; and failing to advise local scouting agencies of the rampant problem of sexual abuse of scouts by Scoutmasters and leaders and that BSA's system of "Ineligible volunteer Files" was ineffective at curbing the problem.

83. Based on these actions the BSA engaged in fraudulent concealment.

84. The BSA, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by Scoutmasters, including Carina, and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying of abuse BSA had substantiated; aiding criminal child molesters in evading detection, arrest and prosecution; allowing pedophiles to across state and international borders for purposes of gaining access to uniformed parents' children, whom they could sexually abuse; failing to warn; and failing to seek out and redress the injuries its adult Scoutmaster had caused.

85. Based on these actions; the BSA, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that Carina posed to unsuspecting children including Neda.

86. As the result of said negligence, the plaintiff was caused to suffer severe physical injuries and pain and suffering; emotional and psychological distress and horror.

87. By reason of the foregoing, the plaintiff, demands judgment against the defendant,

in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION, AND SUPERVISION**

88. That at all times hereinafter mentioned, the plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" through "87" herein, as though more fully set forth herein at length.

89. That at all times hereinafter mentioned, the Carina was hired or otherwise retained, appointed, employed by the BSA

90. The position for which Carina was employed required him to work closely with young boys, such as Neda.

91. Defendant owed a duty to minor entrusted to their care, and because defendant through their hiring, appointment and or retention of Carina as a Scoutmaster for his pack as a role model for young boys, could be safely entrusted.

92. Defendant breached their duty by negligently hiring, appointing, retaining, supervising, directing, Carina, and in failing to protect Neda from a sexual predator.

93. Defendant had a duty to exercise care in hiring, retaining, and supervising Scoutmasters such as Carina, as to prevent dangerous individuals, who would there the safety of children involved in the Boy Scouts, including Neda.

94. That the defendant, has as a matter of policy and practice and with deliberate indifference failed to adequately train, supervise, discipline, sanction or otherwise direct it's Scoutmasters, including, but not limited to Carina.

95. The defendant, knew or should have known that their failure to adequately address these issues within the Boy Scouts had caused problems in the past, and would continue to cause

problems in the future, including allowing pedophiles near minors because of the failure to adopt and implement adequate policies, procedures and practices and to adequately screen, train, supervise and/or disciple Scoutmasters engaging in, or likely engage in such behavior.

96. The defendant negligently failed to hire, retain, supervise, individuals who could safely act as Scoutmasters for minors, by failing to conduct proper background checks on Carina, by failing to train local members in proper testing screening, and selection of Carina, as a Scoutmaster, by failing to monitor and supervise Carina's training and activities as Scoutmaster. Defendant negligently managed, controlled, supervised, taught, educated, oversaw and maintained Packs and all of the Boy Scouts over the years, including the plaintiff.

97. Defendant was negligent careless in they knew or should have known that Carina was immoral, irresponsible, disturbed, a pedophile, and was likely to sexually abuse and moles and commit deviant sexual acts upon Neda, and other minors. Defendant was negligent careless in they knew or should have known that or knew that Carina was luring minors to his home, sleeping with minors on unsupervised trips; forcing minors to undress, forcibly sexually touching minors, and performing oral sex and anal penetration on minors.

98. Defendant was negligent, careless, and reckless in they knew or should have known that Carina was a pedophile and should have carefully supervised him and limited or prohibited his activities with all minors including Neda.

99. Defendant was negligent in hiring Carina because they knew or should have known of Carina's propensity to develop inappropriate relationships with boys in his charge, and then to engage minor boys in sexual acts and had knowledge of facts that would have caused a reasonably prudent person to reject Carina as a candidate for working with young boys, including Neda.

100. Defendant had a duty to provide reasonable supervision and direction of Carina, to use reasonable care in investigating and supervising Carina's conduct, to provide adequate warning to parents and the children, of Carina's dangerous propensities, and to remove him from their employ when he threaten the safety of the children he was entrusted to protect.

101. But for the defendant's inaction in hiring, retaining, and failure to supervise Carina and in failing to use reasonable care to correct and remove Carina from his duties, he would not have been in the position to sexually abuse Neda, and other minors as a Scoutmaster for his pack.

102. As a result of defendant's negligence, Neda suffered severe physical, psychological, and emotional injuries.

103. At times material to this complaint, the defendant failed to properly train, screen, supervise, or discipline its employees and Scoutmasters, including Carina, and failed to inform the local defendant's supervisor of their need to train, screen, supervise or discipline the individual.

104. Upon Information and belief, the BSA engaged in a plan of action to cover up incidents of the sexual abuse of minors by Scoutmasters and prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its Scoutmasters and leaders had cause; and failing to advise local scouting agencies of the rampant problem of sexual abuse of scouts by Scoutmasters and leaders and that BSA's system of "Ineligible volunteer Files" was ineffective at curbing the problem.

105. Based on these actions the BSA engaged in fraudulent concealment.

106. Such negligence consisted of negligence in failing exercise ordinary care, in causing physical, emotional and psychological harm and distress to the plaintiff; in humiliating the plaintiff; in inappropriately touching the plaintiff, in sexually abusing the plaintiff; in forcing the plaintiff on to Carina's bed; in abusing his position of authority; in luring children into his home; in forcing the minor plaintiff to consume alcoholic beverages, in undressing the plaintiff; in touching the plaintiff's genitals; in fondling the plaintiff's genitals; in forcing the plaintiff to provide oral sex; in masturbating in front of the plaintiff; in forcing the plaintiff to masturbate Carina's genitals; in attempting other various devious sexual acts including anal penetration on the minor plaintiff, in breaching the fiduciary duty; in acting from a position of power and control over the minor plaintiff; in breaching the trust and loyalty to the plaintiff; in cover-up Carina's wrongful acts; in failing to properly screen Carina; in allowing pedophiles to be around young children; in failing to investigate the previous activities of Carina; in failing to investigate the background, character and fitness of Carina to serve as a scoutmaster, in failing to adequately investigate and/or inquire into Carina's background or history; in failing to adequately investigate Carina's prior relationships with minor children; in failing to subject Carina to appropriate testing to uncover his pedophilic proclivities; in failing to have in place or systems policies, and procedure to monitor, and supervise Scoutmaster who work closely with or come into contact with children; in allowing Carina to have children meet him at his home with no other adults present; in allowing Carina to travel with children with no other adults present; in failing to take prompt action to remove Carina, and complaints and suspicions of sexual molestation ; in failing to adopt or enforce a two-adult rule; in failing to adopt policies and procedures to protect children; in failing to advise parents of information in the Ineligible volunteers files; in failing to adequately maintain, review, and update the ineligible volunteer files; in failing to warn parents

of information regarding scoutmaster and their propensity to engage in inappropriate behavior.

107. The BSA, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by Scoutmasters, including Carina, and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying of abuse BSA had substantiated; aiding criminal child molesters in evading detection, arrest and prosecution; allowing pedophile to across state and international borders for purposes of gaining access to uniformed parents' children, whom they could sexually abuse; failing to warn; failing to seek out and redress the injuries its adult Scoutmaster had caused.

108. Based on these actions, the BSA, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that Carina posed to unsuspecting children including Neda.

109. Such policies, practice and deliberate indifference in failing to properly train, screen, supervise and or discipline have been described in excruciating detail in the various investigations and commissions into the BSA. It has served to encourage and sanction the Scoutmasters unlawful conduct described above, and was the direct and/or a proximate cause of the sexual abuse of the plaintiff.

110. By reason of the foregoing, the plaintiff, demands judgment for against the defendant in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT INFILICITON
OF EMOTIONAL DISTRESS**

111. That at all times hereinafter mentioned, the plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as

"1" through "110" herein, as though more fully set forth herein at length.

112. The sexual abuse of Neda, when he was a minor caused severe emotional distress including physical, psychological, and emotional injury.

113. The distress was a direct result of the defendant's negligent, reckless, and willful misconduct, acts, and a breach in their duties to provide a safe environment, including Neda, free from sexual predators in authority, and free from the sexual assault that took place

114. In addition to their own direct liability for negligently inflicting emotional distress, the BSA is liable for Carina's negligent infliction of emotional distress under the doctrine of respondeat superior.

115. Defendant knew or disregarded the substantial probability that Carina's conduct would cause severe physical, psychological, and emotional distress to Neda

116. By reason of the foregoing, the plaintiff, demands judgment for intentional infliction of emotional distress against defendant, in a sum exceeding the jurisdictional limits of all the lower courts.

AS AND FOR A SEVENTH CAUSE OF ACTION FOR PUNITIVE DAMAGES

117. That at all times hereinafter mentioned, the plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" through "116" herein, as though more fully set forth herein at length.

118. The actions of the defendant herein-above alleged, were malicious, willful and grossly negligent.

119. The conduct of the defendant was done with the utter disregard as to the injuries that would ensue and with depraved indifference to the health and well-being of children, and to the fact that defendant knowingly subjected children, including the plaintiff, to sexual predators.

120. The BSA, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by Scoutmasters, including Carina, and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying of abuse BSA had substantiated; aiding criminal child molesters in evading detection, arrest and prosecution; allowing pedophile to cross state and international borders for purposes of gaining access to uniformed parents' children, whom they could sexually abuse; failing to warn; failing to seek out and redress the injuries its adult Scoutmaster had caused.

121. Based on these actions, the BSA, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that Carina posed to unsuspecting children including Neda.

122. Upon Information and belief, the BSA engaged in a plan of action to cover up incidents of the sexual abuse of minors by Scoutmasters and prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its Scoutmasters and leaders had cause; and failing to advise local scouting agencies of the rampant problem of sexual abuse of scouts by Scoutmasters and leaders and that BSA's system of "Ineligible volunteer Files" was ineffective at curbing the problem.

123. Based on these actions the BSA engaged in fraudulent concealment.

124. As a result of the defendant's conduct that was wanton, reckless, malicious, and a conscious indifference and utter disregard of its effect on the health, safety and right of other including plaintiff, plaintiff is entitle to recover punitive damages in the amount to be determined

by the finder of fact.

125. By reason of the foregoing, the plaintiff, demands judgment for punitive damages against the defendant, in a sum exceeding the jurisdictional limits of all the lower courts.

DAMAGES

As a direct and proximate result of the aforesaid acts of the defendant, the plaintiff, GERARD NEDA, sustained damages and injuries in an amount to be determined by a jury to be fair and equitable compensation.

(A) Plaintiff, GERARD NEDA, claims damages for past and future pain and suffering; and

(B) Plaintiff, GERARD NEDA, claims damages claims damages for assault and battery, sexual molestation and assault of a minor, and sexual battery; and

(C) Plaintiff, GERARD NEDA, claims damages for intentional infliction of emotional distress; and

(D) Plaintiff, GERARD NEDA, claims damages claims damages for negligence, negligent hiring and retention, supervision and training; and

(E) Plaintiff, GERARD NEDA, claims damages for negligent infliction of emotional distress; and

(F) Plaintiff, GERARD NEDA, claims damages claims damages for punitive damages; and

(G) For costs, disbursement and attorney's fees as permissible under the law; and

(H) Damages are claimed on behalf of each plaintiff in an amount which a jury shall determine to be fair and equitable; and

(I) All plaintiffs claim damages for punitive damages against the defendant, in an amount which a jury shall determine is appropriate to deter future similar conduct; and

(J) Such other and further relief as to this Court may seem just equitable and proper.

DATED: Brooklyn, New York
September 11, 2019

Yours, etc.,

A handwritten signature in dark ink, appearing to be 'R. Rynecki', is written over a horizontal line.

RUBENSTEIN & RYNECKI, ESQS.
Attorneys for Plaintiffs
16 Court Street Suite 1717
Brooklyn, New York 11241
(718) 522-1020

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF KINGS)

GERARD NEDA, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing COMPLAINT and knows the contents hereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.


GERARD NEDASworn to before me this 19th
day of September, 2019
NOTARY PUBLIC

MAGDA MARIN-COLON
Notary Public, State of New York
No. 01MA6158891
Qualified in Richmond County
Commission Expires 1-16-20 23